



DEPARTMENT OF ENVIRONMENTAL SERVICES  
WETLANDS BUREAU

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**COMPREHENSIVE SHORELAND PROTECTION ACT**  
**REDEVELOPMENT WAIVER APPLICATION FORM**

**INSTRUCTIONS:** This form is used to request a waiver of RSA 483-B:9 the Minimum Shoreland Protection Standards in the Comprehensive Shoreland Protection Act ("the Act") for the expansion of a "nonconforming structure" (ref. RSA 483-B:11). To be eligible for a waiver, an owner must demonstrate that **the redevelopment project is "more nearly conforming"** than the existing structure and that there will be at least the same degree of protection provided to the public waters. **Projects that involve complete removal of existing non-conforming structures on lots that could support conforming structures will not be eligible for a waiver.**

You may use this form for the following **project types**: 1) redevelopment of sites that contain non-conforming structures built prior to July 1, 1994; 2) expansion of the footprint or outside dimensions of an existing, non-conforming primary structure that will take place between the primary building setback and the reference line as defined in RSA 483-B:4, XVII. **This form may not be used to request a waiver of any administrative rules or other sections of the Act.** Please read over the entire form carefully and fill out each section completely. **Failure to complete the form legibly and thoroughly or submit the required materials (see Checklist of Required Items) to DES may delay the review of your project.**

1. Name of Owner: \_\_\_\_\_  
Last First Middle Initial

2. Mailing Address: \_\_\_\_\_  
Box # / Street Town/City State Zip Code

(\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
Daytime Telephone Number Fax Number Email

3. Location of Proposed Project:

Street # Street/Road/Highway Town/City State Zip code

4. Tax Map Number: \_\_\_\_\_ Block/Lot Number: \_\_\_\_\_

5. Contractor or Agent: \_\_\_\_\_  
Name of Contact and Company Name (if any)

Box # / Street Town/City State Zip code

(\_\_\_\_) \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
Daytime Telephone Number Fax Number Email

6. Name of waterbody: \_\_\_\_\_ Please use the name of the waterbody as it appears on the *NH Official List of Public Waterbodies* (<http://www.des.state.nh.us/asp/cspa/official.asp>) or DES' *List of Fourth Order and Higher Streams* (<http://www.des.state.nh.us/cspa/fourth.htm>).

7. If the project is in a town that had a local primary building setback from surface waters prior to January 1, 2002, please list the setback distance: \_\_\_\_\_ft. **(Contact the local municipal offices to obtain this information.)**

8. Please specify the project type:

- ☐ 1) redevelopment of a site that contains a non-conforming structure(s) built prior to July 1, 1994;
- ☐ 2) expansion of the footprint or outside dimensions of an existing, non-conforming primary structure which will take place between the primary building setback and the reference line as defined in RSA 483-B:4, XVII.

9. a. Estimated proposed, temporary shoreland impacts \_\_\_\_\_ sq. ft.. Description of temporary impacts (e.g. cutting of vegetation for access road) \_\_\_\_\_

b. Proposed permanent shoreland impact \_\_\_\_\_sq. ft.. Description of permanent shoreland impact(s) (e.g. footprint of existing structure – footprint of proposed structure)\_\_\_\_\_

10. Provide a general description of your proposed project. A more detailed description may be attached.

11. Please check the appropriate box(es) below to indicate how the proposed project will make the property “more nearly conforming” as required under RSA 483-B:11, II. Please check all that apply:

- ☐ Significant changes to the location or size of existing structures (e.g., move structure back from reference line)
- ☐ Significant improvements to wildlife habitat (e.g., planting indigenous seed or berry bearing shrubs)
- ☐ Stormwater management (e.g., replacement of impervious surface with vegetation, installation of water bars)
- ☐ Wastewater treatment (e.g., upgrade septic system)
- ☐ Other (e.g. improve resource protection)

12. Please describe how the project will maintain at least the same degree of protection to the public water as currently exists and will be “more nearly conforming” to the intent of the Act than the current conditions.

## OWNER SIGNATURE REQUIRED

*Applicant (owner).* My signature below certifies that: **1)** The plans and application materials in this and all subsequent submissions are true, complete, and not misleading; **2)** I am aware that the work I am proposing may require additional state, local or federal permits; **3)** I have fully read, understand, and agree to maintain compliance with all provisions of the Comprehensive Shoreland Protection Act, RSA 483-B. **4)** The property could not support a conforming structure; **5)** Any waiver based on false, incomplete, or misleading information shall be subject to revocation.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print name legibly

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Print name legibly

\_\_\_\_\_  
Date

**NOTE\* Please submit this original application along with the items required in the “Checklist” to the Department of Environmental Services Wetlands Bureau. A copy of the application shall be submitted by the applicant to the local governing body of the city or town in which the project is located at the time of submittal to the department.**

## **CHECKLIST OF REQUIRED ITEMS TO ACCOMPANY THE CSPA WAIVER FORM**

- ☐ A. **Copy of the Municipal Tax Map** (from Town or City Clerk's office) indicating your project location.
- ☐ B. **Abutter List** – List of all abutters, their mailing addresses and corresponding Tax Map and Lot number(s).
- ☐ C. **Copy of USGS Topographic Map** with the project location identified. 1:24,000 scale is preferred.
- ☐ D. **Photographs** – Original, dated, color photographs (or high-quality color photocopies) of existing structure(s) and photographs of existing vegetation within 50 feet of the areas to be impacted within 150 feet of the reference line (labeled and mounted on 8-1/2 x 11-inch paper with glue or tape); printed copies of digital images are acceptable. Location of photo views should be noted on the plan.
- ☐ E. **General Specification for Plans** - an overview of the property, drawn to scale or with all dimensions clearly labeled, showing:
  - The scale, if any, used on the plan(s);
  - A legend that clearly indicates all symbols, line types and shadings;
  - A north-pointing arrow, indicating orientation;
  - The property lines and distance from property lines to the proposed project; any easements over the property;
  - The footprint (size, location and configuration) of both the **existing** and **proposed** primary structure including footprints of all existing and proposed attached patios, decks and open porches labeled; and the footprint of all **existing** and **proposed** structures on the property including accessory structures (e.g. detached decks, patios, sheds); and water dependent structures (e.g., docks), labeled;
  - The elevations/profiles of the existing and the proposed structures including all attached patios, decks, and open porches. Profiles should clearly show the ridgeline height(s).
  - Temporary and permanent impacts proposed;
  - The boundary or delineated edge of all surface waters and wetlands (for projects that change the footprint);
  - A tree plot plan showing all existing trees within the natural woodland buffer including the diameter of all trees measured at 4½ feet from the ground; species type, and pre and post construction basal areas (see Definitions" page). Trees to be cut should be labeled.
  - The general shape of the shoreline with the length of frontage and **reference line** noted as defined in RSA 483-B XVII;
  - Lines indicating the primary building setback; the natural woodland buffer; and the protected shoreland zone as measured from the reference line.
  - All other local and state setbacks;
  - Location and type of stormwater controls (such as dry wells, drainage swales, rain gutters and their outlets) for new construction;
  - Location and types of erosion and sedimentation controls to be used during construction shown graphically and labeled;
  - Existing and proposed contours with a reference elevation ( if re-grading will occur);
  - Dimensions, locations, and/or other details relevant to actions proposed to make the resulting conditions "more nearly conforming";
  - Locations of any proposed plantings or areas to be seeded with a list of species or seed mixes to be used and timeframe during which planting or seeding will occur;
  - Date of plan and preparer's name.

**IMPORTANT:** If planting a vegetated buffer, please refer to Env-Ws 1403.01 for basic guidelines of what the plan should include. **Note\*** Only native and naturalized species will be considered by the state when reviewing plans for a vegetative buffer. Contact the Wetlands Bureau for a list of native and naturalized species, 603-271-2147.

## Definitions

**Basal area (BA)** is the area of the tree taken at a height of 4½ feet from the ground. Basal area is expressed in square feet. (To visualize this, imagine cutting the tree at 4½ feet. The cross section of the top of the stump, would be the basal area.). BA measurements are taken from a point on the tree 4½ feet from the ground (this is commonly referred to as diameter at breast height or “**DBH**”). If your tree is on a slope, take the measurement from the high side of the slope.

Measurements are made with calipers or Diameter tapes, or simple measuring tapes.

### Using a simple (standard) measuring tape:

Determine the Circumference (“C”) of the tree at 4½ feet from the ground.

Calculate:  $BA = C \times C \times .07958$ . For example, a tree having a circumference of 36” has a

BA of  $36'' \times 36'' \times .07958 = 103''^2$ . To express this in feet, divide by 144. ( $103''/144 = .716 \text{ ft}^2$ ).

**Using a diameter tape or calipers** (where “d” is the diameter in inches):  $BA_{\text{feet}} = d \times d \times .005454$

For example, where the diameter is 10”, then  $10'' \times 10'' \times .005454 = .54 \text{ ft}^2$ .

**Erosion and Sedimentation Controls** – Measures such as silt fence, silt socks, filter socks, straw bales, blankets, or water diversions that are implemented before construction begins to control runoff and sediment migration from the construction site.

**Local Primary building setback** – Setbacks less than 50 feet apply in cities and towns where the primary building line setback was established by that city or town before January 1, 2002. The lesser setback is accepted by DES as the Primary Building Line.

**More Nearly conforming** – Significant changes to the location or size of existing structures that bring the structures to greater conformity with CSPA, and/or improvements to stormwater management, wastewater treatment, traffic volume or flow, wildlife habitat or resource protection.

**Natural Woodland Buffer** – An area extending 150 feet landward of the reference line which is comprised of a healthy, well distributed stand of trees, shrubs, understory vegetation and undamaged root systems. Not more than 50% of the basal area of trees and a maximum of 50% of the total number of saplings shall be removed for any purpose in a 20 year period. For calculation purposes, building envelopes are not part of the natural woodland buffer.

**Pre-existing Nonconforming structure** – A primary structure that does not meet current setback requirements and that was built prior to: July 2, 2002 for properties on the Connecticut River, as provided by RSA 483-B:20; June 15, 1998 for properties on the Lamprey River, the Swift River, and those portions of the Merrimack River and the Contoocook River designated prior to that date for protection under RSA 483, as provided by 182:1, 1998 Regular Session; or July 1, 1994 for all other properties that are subject to RSA 483-B.

**Primary Building Setback** - RSA 483-B:9,II(b) states that primary structures shall be set back behind the primary building line which is 50 feet from the reference line. This building setback applies in all cities or towns that did not have a local primary building setback prior to January 1, 2002.

**Primary Structure** - a structure that is central to the fundamental use of the property and is not accessory to the use of another structure on the same premises

**Reference Line** – For natural fresh water bodies without artificial impoundments, the natural mean high water level is determined by the Department of Environmental Services. For artificially impounded fresh water bodies with established flowage rights, it is the limit of the flowage rights; and for water bodies without established flowage rights, the waterline at full pond as determined by the elevation of the spillway crest. For coastal waters, the highest observable tide line, which means a line defining the furthest landward limit of tidal flow, not including storm events, which can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide. For rivers, the ordinary high water mark (the line of the shore, running parallel to the main stem of the river established by the fluctuations of the water).